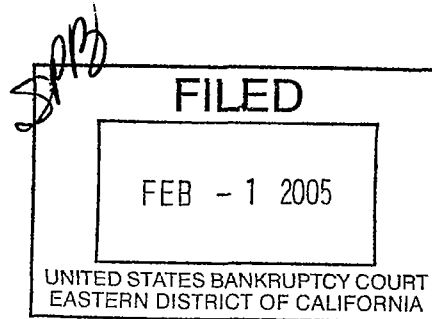


SCOTT A. COBEN & ASSOCIATES
 Scott A. CoBen - State Bar Number 155160
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 1214 F Street
 Sacramento, California 95814
 Telephone: (916) 492-9010
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Attorney for: Debtor

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO DIVISION

In Re:	Case No.	04-34435-B-13J
	DCN:	PDM-1
Russell G. Landers	Date:	February 15, 2005
	Time:	1:30 p.m.
Debtor	Ctrm:	33, Judge McKeag

**REPLY TO MOTION TO DISMISS AND
 OBJECTION TO CONFIRMATION OF PLAN**

Debtor Russell G. Landers hereby files his Reply to Motion to Dismiss and Objection to Confirmation of Plan filed by Fremont Investment and Loan as follows:

Objecting Creditor objects to confirmation and seeks dismissal of the present case on the grounds that Debtor's plan is brought in bad faith and is not feasible.

Objecting Creditor cites debtor's multiple bankruptcy cases as its sole basis for its allegations of lack of good faith. Debtor acknowledges prior bankruptcy cases. However, the prior Chapter 13 case filed by Debtor was filed on or about September 3, 2003 and was dismissed on or about December 20, 2004, more than 15 months after the case was filed. The cause of the dismissal was financial problems resulting from Debtor's temporary loss of employment during the 2004 calender year. Further, Debtor Russell Landers and his wife Jennifer Landers separated during the 2004 calendar year, causing additional financial difficulty.

1 Debtor has filed the present case individually in attempt to reorganize and save his
2 personal residence.

3 Objecting Creditor also asserts that the plan proposes to pay creditor \$8,000.00, though
4 the arrears claim is closer to \$23,985. A further review of the plan shows that the plan
5 proposes to pay \$8,000.00 to Homecomings Financial, which Debtors believes to be the holder
6 of the note and deed of trust. The plan also pays \$1,500.00 to Fremont Investment and Loan,
7 the objecting creditor. Further, the plan further proposes to pay \$10,000.00 to the County of
8 Sacramento for property taxes.

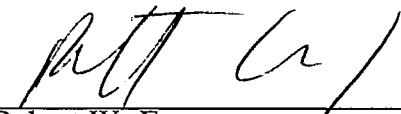
9 Debtor believes that the \$10,000.00 claim proposed to pay the County of Sacramento
10 for property taxes is a duplicate of funds to be paid to Objecting Creditor's arrears claims
11 because Debtor's mortgage payment includes property taxes.

12 Objecting Creditor also asserts that Debtor has failed to make the required post petition
13 payments since filing of the present case. The assertion by Objecting Creditor is premature, as
14 the case was filed on or about December 20, 2004. The first payment due by Debtor is January
15 25, 2005. The objection was filed on or about January 21, 2005, before Debtor's first payment
16 fell due. Debtor has made all payments required since the case was filed. Debtor anticipates
17 that the Trustee will confirm the payments made in this case. For Court reference, Debtor
18 attaches a copy of a printout of the Trustee's website information on Debtor's case status.

19 Wherefore, Debtors respectfully request that the Motion to Dismiss and
20 Objection to Confirmation filed by Fremont Investment and Loan be overruled.

21 Respectfully submitted,

22
23 1/30/05

24 
25 Robert W. Fong
26 Attorney for Debtors
27
28

Case: 04-34435

RUSSELL GLEN LANDERS

User: SCOTT COBEN

Trustee: Jan P. Johnson -
Sacramento, CA
Case is not confirmed

Case Status: ACTIVE

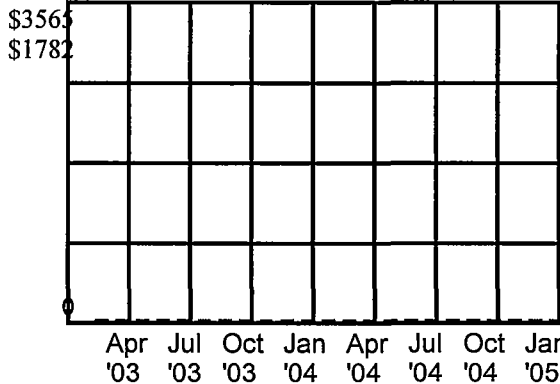
Data is current as of Friday, January 28, 2005

New Case

Case Summary

Balance on Hand \$3,565.00
Last Receipt Date 01/28/2005
Last Receipt Amt \$3,565.00
Last Disburse Date
341 Meeting Date 01/27/2005
Date Petition Filed 12/20/2004
Plan Current \$3,565.00
Total Paid into Plan \$3,565.00
Total Disbursed to Creds \$0.00
Attorney SCOTT A COBEN ESQ
Judge JANE DICKSON
MCKEAG
Plan Term
Percent to Unsecured 0.00%
Bar Check Status N

Receipts over last 24 months



Debtor 1

Debtor 2

First Name RUSSELL GLEN
Last Name LANDERS
Address 1 113 ELKINS CIR
Address 2
Address 3 FOLSOM CA
Zip Code 95630-0000 00000-0000
A/K/A
D/B/A
Payroll Deduction Amt
Direct Payment Amt \$3,565.00 MONTHLY

Attorney

Trustee

Attorney Name	<u>SCOTT A COBEN</u> ESQ	Trustees Percentage	6.50 %
Fee Paid Direct	\$1,000.00	Paid To Date	\$0.00
Fee In Plan	\$0.00	Clerk	
Initial Amount	\$0.00	Fee Paid Direct	\$0.00
Initial Paid	\$0.00	Fee In Plan	0

Attorneys Percentage	\$0.00 %	Paid To Date	0
Reg Pymt Amount	\$0.00	Notice Fees	0
Months Between Payments	1	Paid To Date	0
Arrears Amount	\$0.00	Other	
Paid To Date	\$0.00	Total Disb to all Parties	\$0.00

Dates and Times

Date Entered	Mon Dec 27, 2004	Date Confirmed	
Petition Filed	Mon Dec 20, 2004	MTD Issued	
Trustee NOD Date		Continued 341 Time	
341 Meeting Date	Thu Jan 27, 2005	DWO Date	
341 Meeting Time	1:30 PM	Continued 341 Date	
36/24 PLAN FOLLOW UP DATE		Disposition Date	Fri Jan 28, 2005
Conf Hearing Time		Disch Hearing Time	
MTD Icomplete Issd		Date Closed	
First Payment Date	Tue Jan 25, 2005	Audit Date	

Case Status: ACTIVE

Special Codes and Comments

Permanent Hold	\$0.00
Temporary Hold	\$0.00
Region Code	5
Disburse Flag Status	N
Probation Status	N
Post Flag	
Comment 1	
Comment 2	